

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

Minute Entry

Hearing Information:

Debtor: BCE WEST, L.P.
Case Number: 2-98-12547-ECF-CGC Chapter: 11
Date / Time / Room: FRIDAY, JULY 16, 1999 09:00 AM 10TH FLOOR # 6
Bankruptcy Judge: CHARLES G. CASE II
Courtroom Clerk: RHONDA VAUGHAN
Reporter / ECR: RACHAEL STAPLETON

FILED

JUL 16 1999

KEVIN E. O'BRIEN, CLERK
UNITED STATES
BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

Matter:

EVIDENTIARY HEARING TO DETERMINE PROPER PURCHASER AND PRICE FOR STORE #2374
R / M #: 908 / 0

Appearances:

SUSAN BOSWELL, ATTORNEY FOR WSG DEVELOPMENT
JOHN RICHARD WORTH, ATTORNEY FOR DAVID AND BECKY SMITH
RANDY HAINES, ATTORNEY FOR DEBTOR
RUSTY PHILLIPS, APPEARS BY TELEPHONE
ROBERT AMES, APPEARS BY TELEPHONE

Proceedings:

Mr. Worth advises the facts have been stipulated to and the one open issue has been resolved. Mr. Worth advises the Smiths asked for an amendment to the purchase agreement and the debtor agreed.

Ms. Boswell argues the revised offer is not before the Court and she objects to revised offer. Ms. Boswell introduces the stipulated exhibits into evidence.

COURT: IT IS ORDERED ADMITTING EXHIBITS A THROUGH S INTO EVIDENCE, AS WELL AS, THE STIPULATED FACTS.

Mr. Worth argues WSG had proper notice and did not exercise their option until it was too late.

Ms. Boswell argues Lebcon is still the owner of right to first refusal and it has not been conveyed to anyone.

THE COURT RULES ON THE RECORD.

IT IS ORDERED FINDING LEBCON'S RIGHT OF FIRST REFUSAL WAS EXERCISED AND IS BINDING. MS. BOSWELL IS TO SUBMIT A FORM OF ORDER.